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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,795	02/25/2002	Daniel C. Ziegler	A148 1606A	7876

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EXAMINER

A, PHI DIEU TRAN

ART UNIT PAPER NUMBER

3637

DATE MAILED: 01/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/084,795

Applicant(s)

ZIEGLER ET AL.

Examiner

Phi D A

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 8-9, 12-16, 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Kielmeyer (4545166).

Kielmeyer shows a ceiling system having a grid formed from a plurality of parallel extending main runners (10), a plurality of cross runners(70) extending between the main runners, a plurality of compression struts (51) attached to the grid, a plurality of panels (50) resting within the grid, a plurality of clips (39, 32, 30, 28, 24, 25) having a first leg (25) fixedly secured to the main runner and the second leg (39) being fixedly secured to the compression strut, the clips further comprise a mid-portion (29) disposed between the first and second leg, the main runners further comprise a bulb portion (11), the mid-portion of the clips conform to the bulb portion of the runners (the opening between 24 accommodates the bulb and thus is conforming to the bulb), the panels are downwardly accessible, the first leg (25) is fixedly secured to the main runner by a first fastening device (27), the second leg is fixedly secured to the strut by a second fastening device (figure 8, fastener).

Per claims 5, 16, Kielmeyer shows all the claimed structures. Kielmeyer's structure thus inherently would be able to meet an uplift classification 90 as claimed.

3. Claims 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Lind (4630423).

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Lind shows a clip (60) having a first leg (63), a second leg (61), a mid portion (62) disposed between the first and second leg, the mid portion being substantially shaped to conform to the bulb of the main runner (70), the first leg having at least one fastening hole (65), the second leg having at least one fastening hole (66), the second leg (63) is parallel to and offset from the plane containing the first leg (63).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6-7, 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kielmeyer (4545166).

Kielmeyer shows all the claimed limitations except for the struts being attached to the runners by the clips at an interval of about 2 feet or at an interval of up to about 12 feet.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Kielmeyer to show the struts being attached to the runners by the clips at an interval of about 2 feet or at an interval of up to about 12 feet because it would have been an obvious matter of engineering design choice to attach the struts to the runner at intervals of 2 feet or 12 feet as it is up to the designer to choose the desired fastening force between the struts and the runners for supporting the ceiling.

Response to Arguments

6. Applicant's arguments filed 11/10/03 to claims 17-20 have been fully considered but they are not persuasive.

Applicant states that the mid portion (62) extends in a single plane and thus cannot conform to the bulb to the bulb of a main runner, examiner respectfully disagrees. First, it is unclear in what nature the mid-portion should “conform” to the bulb of the main runner. Even though the mid portion is “flat”, it can still conform to the bulb of a runner as applied and shown in figure 5. As used, “conform” means having mating surfaces. The language “conform” is interpreted reasonably as mating with each other. Secondly, the main runner is not a claimed structure as the claims are to the clips only. The argument is thus moot.

The language of the mid portion to the bulb is clarified as stated above in the office action and is not a new rejection.

7. Applicant's arguments with respect to claims 1-16, 21-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different ceiling assemblies.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 703-306-9136. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Phi Dieu Tran A
January 20, 2004

PA

LANNA MAI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Lanna Mai